

**VERNON TOWNSHIP COUNCIL
REGULAR MEETING MINUTES
SEPTEMBER 12, 2022 7:00 PM**

This Meeting of the Township Council of the Township of Vernon was convened at 7:00 p.m. on September 12, 2022 via Zoom Webinar and in the Vernon Municipal Center, 21 Church Street, Vernon, New Jersey with Council President Patrick Rizzuto presiding.

STATEMENT OF COMPLIANCE

Adequate notice of this meeting has been provided to the public and the press on January 14, 2022 and on July 29, 2022 and was posted on the bulletin board in the Municipal Building in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-7.

SALUTE TO THE FLAG

Council President Rizzuto led the assemblage in the salute to the flag.

ROLL CALL

Present were Council Members Natalie Buccieri, Michael Furrey, Brian Lynch, Harry Shortway and Council President Patrick Rizzuto. Also present were Mayor Howard Burrell, Business Administrator Charles Voelker, Municipal Clerk Marcy Gianattasio and Township Attorney Josh Zielinski.

REVIEW OF BILLS LIST

The Council Reviewed the Bills List

MAYOR COMMENTS

In my comments at our last Council meeting, I reminded the public that consistent with the Mayor and Council's vision of making Vernon Township an even better place to live and raise a family of all ages, that we have not forgotten the little ones in our families.

I also mentioned a growing list of programs that our Department of Recreation leadership team consisting of Director of Community Affairs & Recreation, Ms. Mishelle Downtain, and her parttime assistant, Ms. Meg Wahnon, had already implemented this year.

In addition, I listed some of the new programs that were in the process of being developed and implemented for the future benefit of Vernon families with little ones.

One of the programs that I advised would soon be implemented was an Art in the Park Series, just for those ages 5 and under.

I am proud to announce that on the 24th of last month, our Department of Recreation leadership team successfully launched this program.

An what a success it was!

The positive feedback that I received from parents, especially mothers, was off the charts. They not only expressed just how much they and their daughters and sons enjoyed this new Art in the Park Series, but also how much they both needed it as a positive emotional release.

These parents specifically thanked Ms. Meg Wahnon for the leadership role that she played in this program's success.

While it was Ms. Downtain and Ms. Wahnon who planned this event, because Ms. Downtain is currently working mostly from home while she is on medical leave, it was Ms. Wahnon who carried out the necessary organizing, directing, coordinating and controlling functions that were indispensable to this program's launch and success.

I join those parents in expressing my appreciation to both, Ms. Downtain and Ms. Wahnon, and especially Ms. Wahnon, for putting together this event that brought so much joy to so many of our little ones and their parents.

For those who want to be added to the notification list for future programs for our little ones, please email Ms. Wahnon at MWahnon@VernonTWP.com.

Rest assured, as we MOVE VERNON FORWARD, we will not forget our little ones!

Council President Rizzuto, this response relates to Resolution # 22-220 on tonight's agenda.

From previous experience, I know that this Council, as a collective group, does not like to hear comments that challenge their point of view.

However, since this resolution represents a harsh, direct, public condemnation of me as the Mayor of Vernon, I believe that it's only fair that I be given the opportunity to provide some sort of a public response to this resolution.

Therefore, I respectfully request that you not, again, attempt to gavel me into silence; and that your Council allies not, again, stand up and walk out of the Council meeting, as part of an organized attempt to prevent me from speaking.

It was with great surprise that when, on Thursday, September 8, I received a copy of the agenda for tonight's Council meeting, and read the salacious, very unusual, and highly unorthodox Council Resolution # 22-220.

This resolution was even more of a surprise since the Council President and I had, on that very same day, a 35 to 40 min meeting during which we discussed items that would be on the agenda, and he did not even mention this resolution.

This resolution relates to a second investigative report into the matter of the municipal property that my administration sold in error. This is a report for which the Council authorized to be paid for by up to \$10,000 of local taxpayer's money.

Let me make it clear to the public - -

This resolution is simply the Council's opinion of their interpretation of this report;

This resolution has no impact on the actions that we have already taken;

This resolution has no impact on the things that we have already done to correct the error, including having already regained full possession of the property sold in error; and ...

This resolution has no impact on the positive system, procedural, and other corrective actions that we have already began implementing in preparation for future sales of excess municipal property.

So, what is this resolution all about?

I share with you just three of the reasons that the Council published this opinion piece, disguised as a resolution.

REASON # 1: This resolution is a four-page Facebook like exposé, which the Council is using in its attempt to explain to the public how and why it spent the up to \$10,000 of their money for a second, and totally unnecessary, inquiry into the matter of the municipal property that was sold in error.

The evidence that the Council's \$10,000 inquiry was totally unnecessary, is the fact that their inquiry essentially came to the same conclusion as the detailed inquiry that I conducted for free.

And that conclusion was that this property was sold in error because of a combination of:

1. Errors in the systems of the three different data bases that were used to identify excess municipal property that was available for sale; and ...
2. The prefect storm of administrative errors by the host of individuals involved.

In fact, in its conclusion section, the Council's \$10,000 report says, "We have concluded that there were multiple factors which led to the improper sale of the Mondamin Tower site at the 2021 municipal auction. They are categorized into two types: Systemic Deficiencies and Individual Errors"

REASON # 2: Some on the Council believed that they could use this \$10,000 taxpayer paid for report to accomplish one of their long-time objectives, that they have not been able accomplish through the repeated pressure tactics that have unsuccessfully used on me - - and that objective is to force me to push the Business Administrator out of his job, and replace him with someone of their liking.

However, those who truly know me understand that I would never throw a municipal employee or anyone else "under the bus" in order to make my political bed easier with a majority on the Council; or that I would never unjustly take an individual's job and livelihood, or destroy a person's professional and personal reputation, simply because of a one-time administrative error.

Those who truly know and understand me, know that such behavior is not a part of who and what I am.

And REASON # 3: This resolution is a four-page Facebook like exposé, which the Council uses in its attempt to explain to the public why even though they claim that this \$10,000 taxpayer paid for report provides them all of the clear and conclusive evidence that they need to fire the Business Administrator for cause, they have strangely declined to use their authority to do so.

They have instead chosen to “leave it up to the Mayor” to take whatever action I deem necessary.

I am very aware of the fact that under our form of government, it has always been my responsibility as Mayor to manage the municipal employees; and, the Council did not need a \$10,000 report for them to tell me this in a four-page resolution.

The simple fact is that the Council didn’t take action to remove the Business Administrator, because their \$10,000 report did not provide them the legal cause to do so.

They instead took the easy way out - - they chose to publish an opinion piece, disguised as a resolution, and use this document to damage the professional and personal reputation of the Business Administrator, and cast negative shadows of doubt on the professional and personal reputations of several other outstanding municipal employees.

In fact, our Municipal Labor Attorney read their \$10,000 report and advised that their report did not provide the legal cause that they were seeking.

In the case of the Business Administrator, action by the Council to take his job and livelihood, to destroy his professional and personal reputation, simply because of a one-time administrative error, would be equivalent sending a person to prison for life for a first-time traffic ticket.

The Council’s opinion piece, disguised as a resolution, states that it’s up to the Mayor to answer to the public on this matter of the property sold in error.

That is something that I have no problem doing. In fact, I have spoken to the public on this matter several times; and that includes not only announcing to the public, within a few days after I was informed, that my administration had mistakenly sold a piece of municipal property, but also updating the public on the actions I had taken to get this property back, and repeatedly taking responsibility for this administrative error that occurred on my watch as Mayor.

I challenge the Council to be equally responsive to the public in explaining why they authorized up to \$10,000 of the public’s tax dollars for an investigation that was not needed, and that produced nothing more than a Facebook crafted opinion piece, disguised as a resolution.

I end my response with the same comment that the Council ended their resolution - - this response shall constitute the official statement of the Office of the Mayor on this matter.

APPROVAL OF MINUTES

August 22, 2022 – Regular Meeting

Council President Rizzuto asked for a motion to approve the August 22, 2022 regular meeting minutes.

MOVED: Lynch

SECOND: Buccieri

A roll call vote was taken:

AYES: Buccieri, Furrey, Lynch, Shortway, Rizzuto

NAYES:

ABSTAIN:

ABSENT:

Motion carried to approve the August 22, 2022 regular meeting minutes.

PUBLIC COMMENTS (For Current Agenda Items Only, Limited to 3 Minutes Per Person)

Council President Rizzuto asked for a motion to open the meeting to Public Comments.

MOVED: Furrey

SECOND: Shortway

All members were in favor.

Doreen Edwards – Highland Lakes – questioned ordinance #22-16 because she has nothing but problems with cable and internet where she lives.

Council President Rizzuto explained that there will be a representative at the public hearing where the public can ask questions.

Patrick Curreri – Vernon Township, commented on resolution #22-220 because it does not read like an unbiased document but a vendetta.

Bill Diresta – Vernon Township, feels that the report was waste of \$10,000. Mr. Diresta feels that the phone and internet in the town is terrible and the town needs to expand its horizons.

Jack McLaughlin – Highland Lakes, questioned ordinance #22-16 because there is a lot of customer dissatisfaction and he is concerned about some of the wording in the ordinance.

Ann Larson – Vernon Township, commented on resolution #22-220 because she feels that the Mayor was not looking out for the taxpayers. She is happy that the Council spent the \$10,000.

Jessica Paladini – Vernon Township, is concerned because the Council spent the \$10,000 and now they are not taking action.

Peg Distasi – Vernon Township, asked what the deficiencies were in the report and she would like to make sure that they do not reoccur because resolution #22-224 is another tax sale. Ms. Distasi questioned resolution #22-216 asking if the professionals have already been paid for the work that they did on the grant. Ms. Distasi is happy to see that in ordinance #22-17 the town is going to be in line with State standards and asked when the fines are going to be refunded.

Council President Rizzuto said as far as the grant he explained that he spoke twice with the Executive Director and the way the township has handled this is completely in line with the way they have requested the submission to be made.

Council President Rizzuto said that the vacant property ordinance has not been acted upon yet.

Steven Dunlop – Williamsville Estates, said tah it was part of the Mayor’s platform that he was going to remove the business administrator.

Craig Thompson – Vernon Township, he bought a home that was abandoned and after he submitted permits, he received a vacant and abandoned fine. He is hopeful that there will be refunds given to people with extenuating circumstances or to better clarify the ordinance.

Stephanie DiBrienza – questioned resolution #22-216 asking if everything that Vernon has been done for this grant was legitimate. She feels that the public should have known about the grant before it was applied for.

Council President Rizzuto explained that the Township did not do anything wrong. We have to approve resolution #22-216 because it is a Chapter 159 resolution.

Seeing no one else from the public wishing to come forward, Council President Rizzuto asked for a motion to close the meeting to Public Comments.

MOVED: Buccieri
SECOND: Shortway

All members were in favor.

RESOLUTION

Resolution #22-220: Resolution of the Council of the Township of Vernon Adopting the Investigative Report Authorized by Lavery, Selvaggi, Abromitis & Cohen, P.C. and Expressing the Council’s Opinion Regarding the Sale of Municipal Owned Property

Council President Rizzuto read resolution #22-220 aloud.

Council President Rizzuto asked for a motion to place this resolution on the floor.

MOVED: Buccieri
SECOND: Lynch

A roll call vote was taken:
AYES: Buccieri, Furrey, Lynch, Shortway, Rizzuto
NAYES:
ABSTAIN:

ABSENT:

Motion passed to approve resolution #22-220.

RESOLUTION #22-220

RESOLUTION OF THE COUNCIL OF THE TOWNSHIP OF VERNON ADOPTING THE INVESTIGATIVE REPORT AUTHORED BY LAVERY, SELVAGGI, ABROMITIS & COHEN, P.C. AND EXPRESSING THE COUNCIL'S OPINION REGARDING THE SALE OF MUNICIPAL OWNED PROPERTY

WHEREAS, in 2018 the Township of Vernon ("Township") successfully sold at auction multiple parcels of property owned by the Township; and

WHEREAS, in 2020, the Township Business Administrator ("Business Administrator") determined to conduct another auction of Township owned property; and

WHEREAS, the Business Administrator asked the Township Tax Assessor ("Tax Assessor") to create a new list of Township owned properties to be sold at auction; and

WHEREAS, the Business Administrator received the Tax Assessor's list of Township owned properties to be sold at auction and proceeded to communicate with Max Spann Auction Services ("Max Spann") about conducting an auction of property owned by the Township; and

WHEREAS, by email dated October 20, 2021, the Business Administrator was informed that the list of Township owned property to be sold at auction included property with Township owned tower sites & radio gear; and

WHEREAS, the auction of Township owned property occurred in November 2021 ("Municipal Land Sale") and the Township received more than \$1,000,000 from the auction of Township owned property; and

WHEREAS, following the auction, the Township learned that it had sold property located at 6 Mondamin Road that included a Township owned radio tower and equipment ("Mondamin Tower") to a private individual, Jay Thienel; and

WHEREAS, the Mayor conducted an investigation into how the Township sold the Mondamin Tower and reported the findings of his investigation to the Township Council; and

WHEREAS, the Township Council determined to conduct its own investigation into the sale of the Mondamin Tower; and

WHEREAS, the Council authorized the law firm of Lavery, Selvaggi, Abromitis & Cohen, P.C. to conduct an investigation regarding the Municipal Land Sale and the sale of the Mondamin Tower; and

WHEREAS, Lavery, Selvaggi, Abromitis & Cohen, P.C. interviewed fourteen municipal employees and officers, the Mayor and private individuals; and

WHEREAS, Lavery, Selvaggi, Abromitis & Cohen, P.C. reviewed hundreds of pages of documents; and

WHEREAS, on June 28, 2022, Lavery, Selvaggi, Abromitis & Cohen, P.C. delivered its investigative report to the Council ("Investigative Report"); and

WHEREAS, the Investigative Report identifies multiple systemic deficiencies that resulted in the Mondamin Tower being sold to a private individual; and

WHEREAS, the systemic deficiencies identified by the Investigative Report include how the Municipal Land Sale was organized, developed, staffed, overseen and implemented; and

WHEREAS, the Investigative Report also identified multiple individual errors committed by municipal employees and officers in connection with Municipal Land Sale; and

WHEREAS, pursuant to N.J.S.A. 40:69A-36, the Council is permitted to investigate matters of municipal importance and to express its opinions on same; and

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Vernon, County of Sussex and State of New Jersey expresses the following opinions concerning the Municipal Land Sale and sale of the Mondamin Tower:

- After reviewing the Investigative Report, the Township Council is of the opinion that the Business Administrator failed to adequately supervise, manage and conduct the Municipal Land Sale;
- The Township Council expresses its opinion that the Business Administrator had multiple opportunities to prevent the sale of the Mondamin Tower, but chose not to act on those opportunities, whether by acts of commission or omission;
- The Township Council expresses its opinion that the Business Administrator's conduct and his failure to adequately supervise, manage and conduct the Municipal Land Sale, as detailed in the Investigate Report, was the primary causal factor in the Mondamin Tower being sold erroneously;
- The Township Council expresses its opinion that it has no confidence in the Business Administrator to perform the tasks required of the Township business administrator;
- N.J.S.A. 40:69A-36(e) allows the Township Council to remove any municipal officer for cause;
- The Township Council believes that cause exists to justify its removal of the Business Administrator for the reasons set forth above and as contained in the Investigative Report;
- However, the Township Council recognizes the disruption to the Township which could ensue if it were to effectuate the removal of the Business Administrator and recognizes that the Mayor is the person to whom should fall the responsibility of remedying this error;
- The Mayor may terminate the Business Administrator at his discretion pursuant to N.J.S.A. 40:69A-43(c);
- The Township Council has provided the Mayor with a copy of the Investigative Report and informed the Mayor of its opinion regarding the Business Administrator, the Business Administrator's conduct that resulted in the sale of the Mondamin Tower and its lack of confidence in the Business Administrator;
- While the Business Administrator serves at the Mayor's discretion, the Mayor has informed the Township Council that he will not terminate the Business Administrator's employment, but instead has offered to discipline the Business Administrator by suspending the Business Administrator's pay for thirty-two (32) days;
- The Mayor has also informed the Township Council that the Business Administrator will accept and not challenge the Mayor's discipline;
- While the Township Council believes that the Mayor's response is inadequate, it will not seek to impose its will on the Mayor nor will it inject itself into this personnel matter; rather, the Township Council fully and completely places the responsibility and ownership of this matter on the Mayor;
- The Investigative Report concerns the sale of Township owned property and was paid for by taxpayer dollars;
- The Mayor has requested that the Township Council not release to the public the Investigative Report, which the Township Council interprets as a request by the Mayor to keep the matter hidden from the public;
- The Township Council will not agree to keep the Investigative Report from the citizens of Vernon or the public;
- The Township Council hereby adopts the findings of the Investigative Report and releases the report;
- In conclusion, the Township Council is appalled at the undeniable debacle caused by the Business Administrator during the auction process. Failure to heed to the warnings by two department heads to postpone the auction and to delegate tasks with appropriate follow-up to ensure the safety and well-being of residents and municipal assets during the auction process is inexcusable and leads to allegations by the public of incompetence and recklessness on behalf of the entire Administration. The Council no longer has confidence in the Business Administrator to manage municipal projects at this critical time in the Township's history. The Council also recognizes that Council-initiated action would only serve to bring further disruption to Township. The Council charges the Mayor failed to conduct a proper and thorough investigation into this matter and administer appropriate discipline upon the Business Administrator as a result of his recklessness and failure to properly perform his duties. Having made its position known to the Mayor and the public on this matter, the Township Council will leave it to the Mayor to answer to the public.
- This Resolution shall constitute the official statement of the Township Council on this matter.

CONSENT AGENDA

Resolution #22-216: Chapter 159 Resolution Requesting Approval of Revenue and Appropriation Amending the 2022 Budget as a Revenue and Appropriation of \$38,000.00

Resolution #22-221: Change in Custodian for Petty Cash Funds

Resolution #22-222: Refund Overpayment (Block 28 Lot 2-Waywayanda Tree Farm, LLC)

Resolution #22-223: Refund Overpayment (Block 526 Lot 56-Jeannie Franck)

Resolution #22-224: Authorizing a Date for Municipal Tax Sale

Resolution #22-225: Authorizing Lease Contract with Pitney Bowes for Postal Machine Utilizing Sourcewell Cooperative

Council President Rizzuto asked to place resolutions #22-216 #22-221, #22-222, #22-223, #22-224, #22-225 on the floor.

MOVED: Furrey
SECOND: Shortway

A roll call vote was taken:
AYES: Buccieri, Furrey, Lynch, Shortway, Rizzuto
NAYES:
ABSTAIN:
ABSENT:

Motion carries to pass resolutions #22-216 #22-221, #22-222, #22-223, #22-224, #22-225.

RESOLUTION #22-216

CHAPTER 159 RESOLUTION REQUESTING APPROVAL OF REVENUE AND APPROPRIATION AMENDING THE 2022 BUDGET AS A REVENUE AND APPROPRIATION OF \$38,000.00

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS, the Township has been awarded a \$38,000.00 Highlands Plan Conformance Grant for Trail Feasibility Study; and wishes to amend its 2022 budget for the difference of the awarded amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Vernon hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2022 in the sum of \$38,000.00 which is now available as a revenue,

BE IT FURTHER RESOLVED that a like sum of \$38,000.00 is hereby appropriated under the caption Highlands Plan Conformance Grant.

RESOLUTION #22-221

CHANGE IN CUSTODIANS FOR PETTY CASH FUNDS

WHEREAS, N.J.S.A. 40A:5-21 authorizes the establishment of a Petty Cash Fund in municipalities by application and resolution; and

WHEREAS, the Township of Vernon established the following Petty Cash Funds for calendar year 2022 with the following custodians as follows:

Department	Custodian	Amount Authorized
DPW	Clarence Babcock	\$100.00
Finance	Donelle Bright	\$100.00

Police

Daniel B. Young

\$500.00

WHEREAS, the State of New Jersey continued to list Elke Yetter as custodian of the Finance Petty Cash Fund, and

WHEREAS, the State of New Jersey continued to list Arthur Mills as custodian of the Police Petty Cash Fund, and

WHEREAS, in accordance with N.J.S.A. 40:5-21, the Township of Vernon is changing custodians as previously passed with Resolution 22-03, Resolution 21-04, Resolution 20-05, and Resolution 19-05 as outlined herein; and

WHEREAS, Donelle Bright is bonded in the amount of \$1,000,000.00 by virtue of a surety bond; and

WHEREAS, Daniel B. Young is bonded in the amount of \$1,000,000.00 by virtue of a surety bond;

NOW, THEREFORE, BE IT RESOLVED that the Township of Vernon, County of Sussex hereby authorizes such action and two copies of this resolution be filed with the Division of Local Government Services, New Jersey Department of Community Affairs for approval.

RESOLUTION #22-222

**REFUND OVERPAYMENT
(Block 28 Lot 2- Wawayanda Tree Farm, LLC)**

BE IT RESOLVED, by the Council of the Township of Vernon, Vernon, New Jersey, that a warrant be drawn to Wawayanda Tree Farm, LLC in the amount of \$1612.36 representing refund for assessment change for 1st and 2nd qtrs. 2022 property taxes for Block 28 Lot 2 also known as [REDACTED]

OWNER	BLOCK	LOT	REFUND AMOUNT
Wawayanda Tree Farm, LLC	28	2	\$1612.36
		TOTAL:	\$1612.36

RESOLUTION #22-223

**REFUND OVERPAYMENT
(Block 526 Lot 56- Jeannie Franck)**

BE IT RESOLVED, by the Council of the Township of Vernon, Vernon, New Jersey, that a warrant be drawn to Jeannie Franck in the amount of \$1279.20 representing refund for overpayment of 2nd qtr. 2022 property taxes for Block 526 Lot 56 also known [REDACTED]

OWNER	BLOCK	LOT	REFUND AMOUNT
Franck	526	56	\$1279.20
		TOTAL:	\$1279.20

**RESOLUTION #22-224
AUTHORIZING A DATE FOR MUNICIPAL TAX SALE**

WHEREAS, the governing body of the Township of Vernon, County of Sussex, State of New Jersey, desires to collect all taxes, assessments and other municipal charges that are now delinquent; and

WHEREAS, The Tax Collector is directed to sell all municipal delinquencies through December 31, 2021 in a manner prescribed by N.J.S.A. 54:5-19, and as amended by Chapter 99, Public Laws of 1997.

NOW THEREFORE BE IT RESOLVED, by the Council of the Township of Vernon, that the Tax Collector is hereby authorized and directed to sell all municipal liens in accordance with New Jersey law, both as stated above, on Monday, November 14, 2022 via Electronic Tax Sale.

RESOLUTION #22-225

**AUTHORIZING LEASE CONTRACT WITH PITNEY BOWES FOR
POSTAL MACHINE UTILIZING SOURCEWELL COOPERATIVE**

WHEREAS, there exists a need to lease a new Postal Machine to be used by all departments in the Municipal Building for postal services; and

WHEREAS, based on annual usage calculations, Vernon Township considers the best option is to lease a Pitney Bowes SendPro 2000 Postal Machine from Pitney Bowes, utilizing the Sourcewell Cooperative; and

WHEREAS, the term of the contract will be a 60 (sixty) month lease beginning October 2022 and cost will not exceed \$3,902.28/ annually.

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose in the 2022 budget and is subject to approval in 2023-2028 Municipal Budgets.

NOW THEREFORE BE IT RESOLVED, by the Township Council of the Township of Vernon, County of Sussex and State of New Jersey, the Mayor is authorized to execute a lease- agreement with Pitney Bowes for a SendPro 2000 postal machine, for an amount not to exceed \$3,902.28/ annually.

Council Member Lynch commented on resolution #22-208 that was not approved at the August 22, 2022 Township Council meeting. Council Member Lynch voted no for this resolution because he felt that this was being pushed to quickly. After receiving more information, he would like to place resolution #22-208 back on the floor for consideration.

Attorney Josh Zielinski explained that a motion to reconsider does not have to be made on the same night of the failing vote.

Council Member Lynch made a motion reconsider resolution #22-208.

MOVED: Lynch
SECOND: Furrey

A roll call vote was taken:
AYES: Furrey, Lynch, Shortway
NAYES: Buccieri, Rizzuto
ABSTAIN:
ABSENT:

Motion carries to reconsider resolution #22-208.

Council President Rizzuto asked for a motion to place resolution #22-208 on the floor for consideration.

MOVED: Lynch
SECOND: Furrey

A roll call vote was taken:
AYES: Furrey, Lynch, Shortway
NAYES: Buccieri, Rizzuto
ABSTAIN:
ABSENT:

Motion carries to approve resolution #22-208.

Resolution #22-208: Resolution of the Township Council of the Township of Vernon in Support of an Adult-Use Cannabis Retailer License for Indoveda LLC

Resolution #22-208

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF VERNON IN SUPPORT OF
AN ADULT-USE CANNABIS RETAILER LICENSE
FOR INDOVEDA LLC**

WHEREAS, adult-use cannabis is authorized in the State of New Jersey (“State”) pursuant to the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (the “Act”) and N.J.A.C. 17:30 *et seq.*, (collectively, “New Jersey Cannabis Laws”), which legalized the adult use of marijuana by adults 21 years of age or older and established a comprehensive regulatory and licensing scheme for commercial adult-use cannabis operations, use, and possession; and

WHEREAS the State of New Jersey recognizes the need for additional cannabis licenses, both in medical and adult-use programs, both of which are collectively regulated by the New Jersey Cannabis Regulatory Commission (“CRC”); and

WHEREAS on September 13, 2021, the Township Council of Vernon Township (the “Township”) adopted Ordinance 21-25 (the “Ordinance”) which authorized a maximum of three Cannabis Retailers within the Township; and

WHEREAS the Township recognizes that while the ultimate decision to approve new cannabis licensees is guided by the standards identified by the New Jersey Cannabis Laws and vested to the discretion of the CRC; and

WHEREAS the New Jersey Cannabis Laws recognize the necessity of ensuring that any potential licensee/permittee has the support of the local community, as evidenced by a resolution adopted by said municipality’s governing body indicating that the intended location is appropriately located or otherwise suitable for activities related to the operations of the proposed cannabis business; and

WHEREAS the New Jersey Cannabis Laws also require, in addition to the resolution identifying support of the local community, a letter from the Township’s governing body entrusted with zoning or land use that the proposed cannabis business location will conform to municipal zoning requirements allowing for activities related to the operations of the proposed cannabis business to be conducted at the location, and any variances granted as necessary; and

WHEREAS, Indoveda LLC has indicated a desire to operate as a cannabis retailer, as that term is defined by the New Jersey Cannabis Laws, at the property identified as 218 Route 94, Vernon, NJ 07461, Block 385, Lot 12 on the official tax map of the Township; and

WHEREAS, Indoveda LLC has requested proof of local support in accordance with the New Jersey Cannabis Laws and the CRC’s Notice of Application Acceptance for Personal Use Cannabis Licenses; and

WHEREAS, issuance of a license to Indoveda LLC would not exceed the limitation on licenses set forth in the Ordinance; and

WHEREAS, the Mayor and Township Council recognize ample benefits to the Township and its residents associated with permitting a cannabis retailer site to be located within its border, including, but not limited to, job creation and use of local vendors for operational needs as well as anticipated dedicated tax revenues; and

WHEREAS, this Resolution may be used by Indoveda LLC as proof of local support required by the New Jersey Cannabis Laws and the CRC’s Notice of Application Acceptance for Personal Use Cannabis Licenses.

NOW THEREFORE BE IT RESOLVED, by the Township Council of the Township of Vernon, in the County of Sussex, State of New Jersey, as follows:

1. The Township Council believes that the Township of Vernon will benefit from the location of an adult-use cannabis retailer within the Township’s boundaries, subject to compliance with the Ordinance.
2. Cannabis Retailing is a conditional use in all commercial and retail zones within the Township and subject to the limitations set forth in accordance with the Ordinance.
3. Indoveda LLC has submitted information regarding its business plan, including, but not limited to, its proposed location at the property identified as 218 Route 94, Vernon, NJ 07461, Block 385, Lot 12 on the official tax map of the Township and its intended use and operation of said property as a cannabis retailer, as that term is defined by New Jersey Cannabis Laws, subject to licensure by the CRC.
4. This Resolution should be viewed by the State as support by the Township of Indoveda LLC’s application, and an indication that the proposed location is appropriately located or otherwise suitable for the activities related to cannabis retailing as will be conducted at the proposed facility.
5. The zoning official, or his/her designee, is hereby authorized and directed to issue a letter and/or affidavit, as appropriate, identifying that the subject property will conform to local zoning requirements allowing for

activities related to the operation of a cannabis retailer, as outlined in the Ordinance, and subject to the understanding and agreement with Indoveda LLC that it will comply with any and all conditions required by the Ordinance.

6. This Resolution may be used by Indoveda LLC as proof of local support required by the New Jersey Cannabis Laws and the CRC's Notice of Application Acceptance for Personal Use Cannabis Licenses. However, it should be noted that license applicants that receive CRC approval first in time shall be deemed approved by the Township until the local license limit is reached.
7. This Resolution shall take effect immediately.

INTRODUCTION OF ORDINANCE

Ordinance #22-16 – Ordinance of the Township of Vernon, County of Sussex, State of New Jersey, to Repeal and Replace Chapter 170 of the Municipal Code Entitled “Cable Television and Communications” and to Grant Municipal Consent for the Operation of a Cable Television System within the Township of Vernon, New Jersey to CSC TKR, LLC

Council President Rizzuto asked for a motion to introduce ordinance #22-16

MOVED: Lynch
SECOND: Buccieri

A roll call vote was taken:
AYES: Buccieri, Furrey, Lynch, Shortway, Rizzuto
NAYES:
ABSTAIN:
ABSENT:

Motion passed to introduce ordinance #22-16.

Ordinance #22-17 – An Ordinance to Amend and Supplement the Code of the Township of Vernon, Chapter 130, “Abandoned Properties; Unfit Buildings”

Council President Rizzuto asked for a motion to introduce ordinance #22-17

MOVED: Furrey
SECOND: Shortway

A roll call vote was taken:
AYES: Buccieri, Furrey, Lynch, Shortway, Rizzuto
NAYES: Furrey, Shortway
ABSTAIN:
ABSENT:

Motion passed to introduce ordinance #22-17.

Ordinance #22-18 – Ordinance Extending Lease Agreement Between the Vernon Township Board of Education and the Township of Vernon, and Sub-Lease Agreement Between the Township of Vernon and the Dog Owners Gathering Society of Vernon Township, Inc., for Certain Unimproved Real Property Identified on the Official Tax Maps of the Township of Vernon as Block 308 Lot 2 (Old Block 133, Lot 2.05)

Council President Rizzuto asked for a motion to introduce ordinance #22-18

MOVED: Shortway
SECOND: Lynch

A roll call vote was taken:
AYES: Buccieri, Lynch, Shortway, Rizzuto
NAYES:
ABSTAIN: Furrey
ABSENT:

Motion passed to introduce ordinance #22-18.

PUBLIC COMMENTS (For Current Agenda Items Only, Limited to 5 Minutes Per Person)

Council President Rizzuto asked for a motion to open the meeting to Public Comments.

MOVED: Lynch
SECOND: Buccieri

A roll call vote was taken:
AYES: Buccieri, Furrey, Lynch, Shortway, Rizzuto
NAYES:
ABSTAIN:
ABSENT:

Motion passed to open the meeting for public comment.

Doreen Edwards – Highland Lakes – questioned the intersection of Barret Road and Wawayanda Road because she feels that this is a very bad intersection and you cannot see the stop sign when you come around the bend.

Council President Rizzuto suggested that the Mayor look into a warning sign.

Patrick Curreri – Vernon Township, questioned if a first responder was suspended during the time of 9-11. Mr. Curreri requested that the town review the chicken ordinance to make it less restrictive.

Steve Dunlop – Williamsville Estates, suggested that the cannabis ordinance be put back on a future agenda for public comment. Mr. Dunlop does not feel that the tax revenue from cannabis is not going to be as much as everyone has talked about. Mr. Dunlop commented that Council Member Furrey should have admitted that he said at a past meeting that the town could buy pump trucks after Ms. Larson questioned this.

Bill Diresta -Vernon Township, thanked Council Member Lynch for reinstating the cannabis resolution.

Jessica Paladini – Vernon Township, feels that the Council had to take action on the trail grant because they were boxed into a corner. There was no resolution of approval and there should always be a resolution of approval to spend money.

Council President Rizzuto explained that a resolution of approval is not required. This is an unanticipated revenue and home must be made for it in the budget.

Ms. Paladini questioned why the money would be put into the Clean Community funds. She feels that this is a misappropriation of funds.

Ms. Paladini thanked Council President Rizzuto and the Council for voting yes to the vacant and abandoned home ordinance.

Peg Distasi – Vernon Township, feels that having cannabis stores in Vernon should be put on a ballot for the voters to vote on. Ms. Distasi thanked the Council for addressing the vacant property ordinance.

Stephanie DiBrienza – Vernon Township, asked why Mr. Lynch changed his mind on the cannabis resolution.

Council President Rizzuto explained the procedure to reinstate a resolution that was voted down previously.

Ms. DiBrienza questioned when the resolution pertaining to Mr. Voelker takes place.

Council President Rizzuto explained that it is not up to the Council.

Seeing no other members of the public wishing to speak, Council President Rizzuto asked for a motion to close the meeting for Public Comments.

Council President Rizzuto asked for a motion to close the meeting to Public Comments.

MOVED: Lynch
SECOND: Shortway

All members were in favor.

COUNCIL COMMENTS

Council Member Lynch thanked Mishelle Downtain and her staff for providing a 9-11 Memorial on September 10th. He has been a firefighter for forty-six years and as firefighters we never forget those how have gone before us. We

have three words that we say, which is also written on one of our firetrucks, “Less We Forget”. Council Member Lynch asked if the Mayor could have the Recreation Committee set up a 9-11 Committee to have a more substantial remembrance on September 11th or a day as close to it. A lot of firefighters remember September 11th even more than most holidays because of the 343 Brothers and Sisters that went before us, Less We Forget. Council Member Lynch would like to make Vernon Township one of the places in Sussex County where people will come to remember what happened on that day.

Council Member Shortway has no comments.

Council Member Furrey commented that the ceremony on Saturday was well put together. He thanked the Mayor for doing an outstanding job for remembering the date and also recognizing the first responders. Council Member Furrey also recognized the people who put together the street fair that was also on Saturday. He feels that this represented Vernon very well.

Council Member Buccieri commented that the September 11th Memorial program was put together very well by our Recreation Director Mishelle Downtain. There were several band members from our high school and the bagpipers were the Kent Family from Vernon. This was a very moving ceremony and she was proud of our town for doing this. Council Member Buccieri also commented on the street fair that the Vernon Chamber organized. There were a lot of vendors and the people enjoyed it.

Ms. Buccieri touched base with the School Board President and she will now be the Liaison Committee Chairwomen. We will be discussing the fuel services shared agreement again.

COUNCIL PRESIDENT COMMENTS

Council President echoed Council Member Lynch’s request for a more substantial program 9-11 program. He feels that many of our youths were not around when this occurred and they really do not know what happened. Many of them also do not know what happened on December 7, 1941. Yet, almost the same number of people who were lost on December 7, 1941 were lost in the attack on the Twin Towers. Council President Rizzuto feels that this is a great opportunity for the town to employ its ability to instruct as well as to enforce a program that would help provide knowledge to many of the children who ask why this date so important. When he sees the cable TV channels softening what is being shown because they are afraid of what people might think, Council President Rizzuto thinks this is wrong because the whole reason why it is being recorded is because it is so serious, hostile and inhuman. “Less We Forget” applies to the Holocaust as well. Because how we treat each other “man’s inhumanity to man” is the only way we are going to be able to move and become a better township, a better county and better people.

Council President had the great pleasure at the street fair on Saturday of meeting the new school interim superintendent Russel Rogers. He was very impressed by the man’s ability to relate and also see the essence of a problem. He is hoping as the Council President he will become more involved with meeting with Mr. Rogers and expressing the Council’s point of view on certain areas as well as understanding the troubles that prevail with the Board of Education.

ADJOURNMENT

At 8:49pm Council Member Shortway made a motion to adjourn the meeting. Seconded by Council Member Furrey.

All were in favor.

Respectfully submitted,

Marcy Gianattasio, RMC, CMR
Municipal Clerk

Patrick Rizzuto,
Council President

Minutes approved: October 13, 2022